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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,588	03/25/2004	Susann Marie Keohane	AUS920040028US1	7130
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IBM CORP (YA)				
C/O YEE & ASSOCIATES PC				
P.O. BOX 802333				
DALLAS, TX 75380				
EXAMINER				
LOFTIS, JOENNA RONEE				
ART UNIT		PAPER NUMBER		
3624				
NOTIFICATION DATE		DELIVERY MODE		
11/14/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

### Office Action Summary

**Application No.**

10/809,588

**Applicant(s)**

KEOHANE ET AL.

**Examiner**

JOHNNA R. LOFTIS

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. The following is a final office action for application number 10/809,588, in response to the Amendment filed 7/28/08. Claims 1, 7 and 15 are pending and have been examined on the merits discussed below.

### ***Response to Arguments***

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., shades of grey) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Applicant also argues there is no determination for a given user as to their attendance probability based on a plurality of actual scheduling conflicts that a given user has with respect to a proposed event. As applicant pointed out, Walther teaches a given user is unavailable to attend a meeting when there are conflicts. As examiner understands, the attendance for that user is improbable. When there are no conflicts and the user is free, that user's attendance is probable. (See pp. 0049). Examiner asserts that based on the claim language, the collection of each user's availability and the determination of a probability of a attendance based on each user's availability as taught by Walther reads on the claims.

4. Previous rejections have been updated below based on new amendments to the claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey et al, US 6,363,352, and further in view of Walther et al, US 2003/0217073.

As per claim 1, Dailey et al teaches initializing a calendar system (column 7, line 63 – column 8, line 12 – personal information manager stores and organizes appointments, names, etc., used for coordinating meetings); generating an invitation list (column 5, lines 5-15 – each meeting participant is sent an email message to participate in the meeting); sending an invitation to a first scheduled event having a scheduled event time to a plurality of users in the invitation list (column 5, lines 5-15 – each meeting participant is sent an email message to participate in the meeting); receiving a plurality of acceptance messages associated with the first scheduled event having the scheduled event time, each of the plurality of acceptance messages associated with a respective user of the plurality of users (column 8, lines 1-12 – acceptance or refusal of a meeting invitation is generated). In addition to above, Dailey et al teaches considering availability of participants (column 11, lines 41-62) and entering meeting invitations into a calendar (column 14, lines 1-8) but does not explicitly teach, for each user identifying a schedule conflict of a user associated with an acceptance message of the plurality of acceptance messages, wherein identifying the schedule conflict comprises accessing a schedule store of a data processing system that generated the acceptance message, wherein the schedule conflict of the

user is identified if the user has a plurality of time overlapping events with respect to the first scheduled event that the user has previously accepted in their own calendaring system; responsive to identifying the schedule conflict, calculating for each of the plurality of users a probable attendance from the plurality of acceptance messages; forming a meeting status value from the calculated probable attendance for each of the plurality of users; and conveying the meeting status value to at least one user associated with one of the plurality of acceptance messages. Walther et al teaches considering attendee availability (pp0049) wherein criteria are analyzed to determine a meeting that appropriately satisfies the criteria. During the evaluation of predetermined criteria, the system calculates a probability of the number of meeting attendants who will be available to attend the meeting a specific time and location (pp0052). This percentage is output to the user wherein the user can view the probability using the user interface (fig 2 – output device; see also 0043-0052). It would have been obvious to one of ordinary skill in the art to modify the meeting system of Dailey et al with the probability calculation of Walther et al as a way to more accurately view attendance rates for purposes of scheduling meetings at appropriate times. This would ensure higher attendance rates.

In addition, neither Dailey et al or Walther et al explicitly teaches displaying each of the plurality of users and the respective probable attendance for each of the plurality of users in a user interface. However, since Walther et al teaches gathering availability information for each user (pp. 0049) wherein each user is determined to be free or busy, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Dailey et al and Walther et al to include the display of each user and their probable attendance. The

display of each user would enhance the system in a way so the event schedule could see who is available or probable to attend and who is not. This would allow for more efficient scheduling.

As per claims 7 and 15, they are the computer program in a computer readable medium and system, respectively, for performing the method of claim 1 and are therefore rejected using the same art and rationale set forth above.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brad Bayat can be reached on 571-272-6636. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/jl/  
11/10/08

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624